STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)		
MICHAEL S. MARLIER,)		
Complainant, and DILLARD'S CORPORATION, Respondent.)))))))	CHARGE NO(S): EEOC NO(S): ALS NO(S):	2007CF0402 21BA62483 S07-801
	NOTIC		
You are hereby notified that the Illino	is Hum	an Rights Commission has no	ot received
timely exceptions to the Recommended Orc	ler and	Decision in the above named	case.
Accordingly, pursuant to Section 8A-103(A)	and/or	8b-103(A) of the Illinois Huma	an Rights Act
and Section 5300.910 of the Commission's	Procedi	ural Rules, that Recommende	ed Order and
Decision has now become the Order and De	ecision o	of the Commission.	
STATE OF ILLINOIS HUMAN RIGHTS COMMISSION)	Entered this 23 rd day of Au	gust 2010
		N. KEITH CHAMBEI	
		EXECUTIVE DIRECT	

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)
)
MICHAEL A. MARLIER,)
)
Complainant,)
) Charge No.: 2007CF0402
and) EEOC No.: 21BA62483
) ALS No.: S07-801
DILLARD'S CORPORATION,)
·) Judge William J. Borah
Respondent.)

RECOMMENDED ORDER AND DECISION

On October 9, 2007, Michael A. Marlier, filed a Complaint, *pro se*, against Respondent, Dillard's Corporation. The Complainant alleges Respondent discriminated against him because of his handicap and retaliated against him.

This matter comes to be heard, *sua sponte*, on my motion to dismiss for want of prosecution. Judge Michael Robinson's order of March 26th, 2009, directed Complainant to either file a motion for voluntary dismissal of his case or a report explaining his absence from the scheduled March 23, 2009, telephone conference by April 27, 2009. Complainant has failed to do either, and the time for such a response has passed.

The Illinois Department of Human Rights ("Department") is an additional statutory agency that has issued state actions in this matter. Therefore, the Department is named herein as an additional party of record.

FINDINGS OF FACT

The following facts were derived from the record file in the matter.

- The Complaint in this matter was served on Complainant by certified mail United
 States Postal Service. Complainant signed it on his own behalf on November 5, 2007.
 - 2. The initial status date in this matter was January 8, 2008. On December 21, 2007,

an order was entered continuing the public hearing/telephone conference call scheduled for January 8, 2008. Respondent filed its verified answer on December 28, 2007.

- 3. On February 24, 2008, Judge Robinson ordered the parties to participate in a telephone conference call on March 9, 2009. The date was changed to March 23, 2009, by his order of March 2, 2009.
- 4. On March 23, 2009, the Commission was unable to contact Complainant. As a result, Judge Robinson ordered Complainant to either dismiss his case or explain his absence from the scheduled telephone conference by April 27, 2009.
 - 5. Complainant failed to file any written response to Judge Robinson's order.

CONCLUSIONS OF LAW

- Complainant's failure to participate at a scheduled status hearing on March 23, 2009, and his failure to respond to Judge Robinson's March 26, 2009, order have unreasonably delayed the proceedings in this matter.
- 2. In light of Complainant's apparent abandonment of his claim, the complaint in this matter should be dismissed with prejudice.

DISCUSSION

Complainant was served with the Complaint in this matter on November 5, 2007. He was given notice of the first hearing date and a subsequent telephone conference status hearing. After failing to participate in the telephone conference call, Complainant was ordered to either dismiss his case or explain his absence by April 27, 2009. He has failed to comply with the order. Complainant's inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result, it is appropriate to dismiss his claim with prejudice. See. e.g., <u>Leonard and Solid</u>

Matter, Inc., IHRC, ALS No. 4942, August 25, 1992.

HUMAN RIGHTS COMMISSION

BY:_	
	WILLIAM J. BORAH
	ADMINISTRATIVE LAW JUDGE
	ADMINISTRATIVE LAW SECTION

ENTERED: January 8, 2010